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10 Attorney for Defendant NAGATOSHI MORIMOTO

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 NAGATOSHI MORIMOTO,

17 Defendant.

18 NO. 3-05-70216-JCS

19 STIPULATION FOR ORDER FOR FURTHER
 20 CONTINUANCE OF INITIAL APPEARANCE
 21 IN NORTHERN DISTRICT OF CALIFORNIA;
 22 AND FOR MODIFICATION OF BOND;
 23 ~~PROPOSED~~ ORDER

24 Current hearing date: 7/26/05, 9:30 A.M.
 25 Proposed hearing date: 8/15/05, 9:30 A.M.

26 Plaintiff United States of America, by and through its counsel of record, Assistant United States
 27 Attorney Stacey P. Geis, and defendant Nagatoshi Morimoto, by and through his counsel of record, Mona
 28 C. Soo Hoo, hereby stipulate as follows:

1. This matter arises from the arrest of the defendant in the Central District of California,
 pursuant to an out-of-district complaint and associated warrant for arrest issued by United States
 Magistrate Judge Joseph C. Spero of the United States District Court for the Northern District of
 California, in the instant case, *United States of America v. Nagatoshi Morimoto*; Case No. 3-05-70216-
 JCS.

2. On April 11, 2005, Mr. Morimoto made his initial appearance before the United States District
 Court for the Central District of California, Chief Magistrate Judge, the Honorable Robert N. Block
 presiding. The court set bail by giving the defendant the option of posting a one hundred thousand dollar
 (\$100,000.00) collateral bond on his own signature; or, in the alternative, an appearance bond in the same
 amount, fully justified with an affidavit of sureties. Mr. Morimoto was ordered released upon signing the
 bond, and, he was given until April 25, 2005 to meet other stated conditions of release and to post the
 bond.

1 3. With the assistance of a Japanese language interpreter, Mr. Morimoto was fully advised of and
2 discussed with his attorney, Mona C. Soo Hoo, his right to arrival of process, to a removal proceeding,
3 and, to a preliminary hearing pursuant to Rule 5(c)(3) of the Federal Rules of Criminal Procedure. Those
4 rights were waived in writing and on the record in open court on April 11, 2005. The court ordered Mr.
5 Morimoto to appear at the Clerk's Office of the United States District Court for the Northern District of
6 California on or before 9:00 a.m. on May 9, 2005, or, on such other date and time by agreement with the
7 prosecutor, Assistant United States Attorney Stacey Geis, counsel for the plaintiff, United States of
8 America.

9 4. Mr. Morimoto was released from custody on April 12, 2005, and the collateral bond was
10 posted, approved, and filed on April 21, 2005, all conditions having been satisfied. The bond was ordered
11 transferred to the Northern District of California, at San Francisco.

12 5. On May 3, 2005, United States Magistrate Judge Elizabeth D. Laporte entered an order,
13 pursuant to the stipulation of the parties, and continued the defendant's initial appearance before the
14 United States District Court for the Northern District of California from May 9, 2005 to June 9, 2005, at
15 9:00 a.m.

16 6. On May 23, 2005, United States Magistrate Judge Elizabeth D. Laporte entered an order,
17 pursuant to the stipulation of the parties, and continued the defendant's initial appearance before the
18 United States District Court for the Northern District of California from June 9, 2005 at 9:00 a.m. to July
19 11, 2005 at 9:00 a.m. By Notice of the Clerk filed May 27, 2005, the time of the initial appearance was
20 rescheduled from 9:00 a.m. to 9:30 a.m.

21 7. On July 8, 2005, United States Magistrate Judge Edward M. Chen entered an order, pursuant
22 to the stipulation of the parties, and continued the defendant's initial appearance before the United States
23 District Court for the Northern District of California from July 11, 2005 at 9:30 a.m. to July 26, 2005 at
24 9:30 a.m.

25 8. The defendant, Nagatoshi Morimoto, and his counsel and the plaintiff, United States of
26 America, and its counsel have reached a negotiated plea disposition in this matter, and are in the process
27 of working out the details of the plea.

28 9. The further continuance requested herein is to permit the respective counsel for the parties to
satisfy various necessary predicates to the anticipated plea disposition, including the payment of costs of

1 interpretation, investigation and eradication to the California Department of Food and Agriculture.

2 10. By this stipulation, the parties respectfully request that the court continue the proceedings on
3 the defendant's initial appearance in the Northern District of California to August 15, 2005 at 9:30 a.m.;
4 and, that the one hundred thousand dollar (\$100,000.00) collateral bond, posted in the Central District of
5 California and transferred to the Northern District of California, be ordered reduced by thirty thousand
6 dollars (\$30,000.00), and that amount returned to the owner of the cash bond.

7 11. United States Pretrial Services Officer Samuel Hernandez (213.894.3690) does not oppose
8 the reduction of the collateral bond or the return of the \$30,000.00 to the owner of the cash, as requested
9 by the parties.

10 12. Based upon the foregoing, the potential savings to judicial resources and the ends of justice
11 served by continuing the proceedings as requested outweigh the interest of the public in the prompt
12 disposition of criminal cases, as described in the Federal Rules of Criminal Procedure.

13 IT IS SO STIPULATED AND AGREED.

14 KEVIN V. RYAN
United States Attorney

15 7/14/05
16 DATE

15 /S/
16 STACEY GEIS
Assistant United States Attorney
Attorneys for Plaintiff
UNITED STATES OF AMERICA

17
18
19 7/15/05
20 DATE

19 /S/
20 MONA C. SOO HOO
Attorney for Defendant
NAGATOSHI MORIMOTO


21
22 **PROPOSED ORDER**

23 FOR GOOD CAUSE SHOWN, based upon the need for further preparation of counsel, and
24 pursuant to the stipulation of the parties,

25 IT IS HEREBY ORDERED that the initial appearance of Defendant Nagatoshi Morimoto in
26 Case No. 3-05-70216-JCS before the United States District Court for the Northern District of California,
27 currently set for July 26, 2005 at 9:30 a.m., is hereby adjourned; and, instead, said initial appearance
28 shall be held on August 15, 2005 at 9:30 a.m., or on such other date and time as agreed to by the parties
and approved by the court.

1 IT IS FURTHER ORDERED that the one hundred thousand dollar (\$100,000.00) collateral
2 bond, posted in the Central District of California and transferred to the Northern District of California,
3 shall be reduced by thirty thousand dollars (\$30,000.00), and that amount of thirty thousand dollars
4 (\$30,000.00) be returned to the owner of the cash bond.

5 DATED: July 20, 2005


UNITED STATES MAGISTRATE JUDGE
NANDOR VADAS